REMARKS/ARGUMENTS

Claims 1-38 are pending in the application. Claims 1, 10, 19, 28, 37, and 38 have been amended. Reconsideration is respectfully requested. Applicant submits that the pending claims 1-38 are patentable over the art of record and allowance is respectfully requested of claims 1-38.

Claims 1-4, 9-13, 18-22, 27-31, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaluskar et al. (U.S. Patent No. 6,985,904) in view of Crone et al. (U.S. Patent No. 6,249,783). Applicants respectfully traverse.

Claim 1 describes when executing a statement, when performing bind-in of host variables, comparing data in an application structure received with the statement with optimization information in a bind-in structure (e.g., Specification, page 11, paragraph 35; Page 12, paragraph 39 – page 13, paragraph 40; Figs. 3 and 4). When there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information.

For example, as described on page 12, paragraph 37, of the Specification:

> If the optimization information stored in the bind-in and/or bind-out structures 152, 154, may be reused, the data store engine 130 does not need to look at how the application program is providing data (for insert) or how the application program wants data returned (for fetch). For example, if an application program fetched data from a table that contained integers, and the application program requested that the data be fetched into an array (e.g., a host-variable-array) of integers, then the bind-out logic of the bind-in and bind-out optimizer 132 would determine that the optimization information that was stored in the bind-out structure 156 at bind time could be used. If the application program fetched the data from the table containing integers into an array of small-integers, then the bind-out logic of the bind-in and bind-out optimizer 132 would determine that the bind time information could not be used, and the bind-in and bind-out optimizer 132 would recalculate the optimization information (e.g., data type, length, CCSID, array size, whether conversions are required, whether conversions are valid, and/or branch tags).

On the other hand, the Kaluskar patent compares a SQL statement with another SQL statement (Col. 4, line 2; FIG. 2, block 210 "matching SQL text") instead of comparing data in an application structure received with the statement with optimization information in a bind-in structure (e.g., Specification, page 12, paragraph 39; Fig. 4). Also, the Kaluskar patent describes that the comparison of SQL statements is done during a soft parse because they are trying to reduce the expense of compilation involved in processing SQL statements (Col. 3, lines 44-45). Such processing during compilation teaches away from the claimed comparison made when *executing* a statement. Also, there is no teaching or suggestion in the Kaluskar patent of performing a comparison when performing bind-in of host variables. Because the Kaluskar patent does not teach or suggest the claimed comparison, Applicants respectfully submit that the Kaluskar patent does not teach or suggest, when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information.

The Examiner states that "Kaluskar et al. does not explicitly disclose that type conversion information is included in the recyled/reused execution plan of an existing cursor" and cites the Crone patent as teaching function modules that convert data types. Applicants respectfully traverse. A function module that converts data types does not teach or suggest the claimed optimization information in a bind-in structure. Furthermore, the Crone patent does not cure the defects of the Kaluskar patent as the Crone patent does not teach or suggest, when executing a statement, when performing bind-in of host variables, comparing data in an application structure received with the statement with optimization information in a bind-in structure, and, when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information.

Thus, claim 1 is not taught or suggested by the Kaluskar patent or the Crone patent, either alone or in combination.

Claims 19 and 37 are not taught or suggested by the Kaluskar patent or the Crone patent, either alone or in combination, for at least the same reasons as were discussed with respect to claim 1.

Claims 10, 28, and 38 describe bind-out, rather than bind-in (as described in claim 1). Therefore, claims 10, 28, and 38 are not taught or suggested by the Kaluskar patent or the Crone

patent, either alone or in combination, for at least the same reasons as were discussed with respect to claim 1.

Dependent claims 2-4, 9, 11-13, 18, 20-22, 27, 29-31, and 36 incorporate the language of independent claims 1, 10, 19, 28, 37, and 38 and add additional novel elements. Therefore, dependent claims 2-4, 9, 11-13, 18, 20-22, 27, 29-31, and 36 are not taught or suggested by the Kaluskar patent or the Crone patent, either alone or in combination, for at least the same reasons as were discussed with respect to claims 1, 10, 19, 28, 37, and 38.

Claims 5, 14, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaluskar et al. (U.S. Patent No. 6,985,904) in view of Crone et al. (U.S. Patent No. 6,249,783) and further in view of Desai et al. (U.S. Patent No. 6,567,816). Applicants respectfully traverse. Additionally, Applicants respectfully submit that the rejection is moot in light of the new amendments.

For example, the Desai patent does not cure the defects of the Kaluskar and Crone patents. For example, the Desai patent does not teach or suggest, when executing a statement, when performing bind-in of host variables, comparing data in an application structure received with the statement with optimization information in a bind-in structure, and, when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information.

Thus, claims 5, 14, 23, and 32 are not taught or suggested by the Kaluskar patent, the Crone patent, or the Desai patent, either alone or in combination, for at least the same reasons as were discussed with respect to claims 1, 10, 19, and 28.

Claims 6-8, 15-17, 24-26, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaluskar et al. (U.S. Patent No. 6,985,904) in view of Crone et al. (U.S. Patent No. 6,249,783) and further in view of Jordan II et al. (U.S. Patent No. 5,875,442). Applicants respectfully traverse. Additionally, Applicants respectfully submit that the rejection is moot in light of the new amendments.

For example, the Jordan II patent does not cure the defects of the Kaluskar and Crone patents. For example, the Jordan II patent does not teach or suggest, when executing a statement, when performing bind-in of host variables, comparing data in an application structure received

with the statement with optimization information in a bind-in structure, and, when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information.

Thus, claims 5, 14, 23, and 32 are not taught or suggested by the Kaluskar patent, the Crone patent, or the Jordan II patent, either alone or in combination, for at least the same reasons as were discussed with respect to claims 1, 10, 19, and 28.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-38 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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